

Practitioner's Docket No. U014935-9

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re application of: **Howard L. Elford**

Serial No.: 09/123,620

Group Art Unit.1623

Filed: July 28, 1998

Examiner: Kathleen Kahler Fonda.

For: **THERAPEUTIC PROCESS FOR INHIBITING NF-K<sup>B</sup>**

Attorney Docket No. **U-014935-9**

*\*NOTE: Preferably also insert inventor's name and invention title.*

**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. SECTION 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, \_\_\_\_\_  
(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

[ ] an inventor (applicant) of this invention.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

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Date: January 15, 2004

**FACSIMILE**

[ ] transmitted by facsimile to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature \_\_\_\_\_

John Richards

(type or print name of person certifying)

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**WARNING:**

*"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, government agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 56-61 at 56, § 1490, M.P.E.P., 7<sup>th</sup> Edition.*

- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☐ A statement under 37 C.F.R. Section 3.73(b) is attached.
- ☒ the attorney of record for this invention.

**NOTE:** *The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490, M.P.E.P., 7th Edition.*

**IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT**  
(if any)

The assignee is

Name of assignee \_\_\_\_\_

Address of assignee \_\_\_\_\_

\_\_\_\_\_  
If signed by assignee, title of disclaimant authorized to sign on behalf of assignee

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

**NOTE:** *Disclaimers from the whole interest must be filed.*

*(state the exact interest of the disclaimant)*

The disclaimant is:

- ☒ the applicant(s) Howard L. Elford (name of applicants)
- ☐ the assignee(s) \_\_\_\_\_ (name of assignee)

**RECORDAL OF ASSIGNMENT IN PTO**  
(if applicable)

☐ The assignment was recorded on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

☐ Authorization for recordal of the assignment is separately filed:

☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or

☐ FORM PTO 1595 is also attached.

**DISCLAIMER**  
(select one of the following)

**(Obviousness-Type Double Patenting Rejection Over A Prior Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,248,782 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: 6,248,782, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

☐ Other than a small entity--fee \$110.00

☒ Small entity--fee \$55.00

☐ Small entity statement attached

☐ Small entity statement already filed

☐ in patent application \_\_\_\_\_ on \_\_\_\_\_  
(date)

OR

**FEE PAYMENT**

- ☐ Already paid
- ☒ Attached is a check in the sum of \$ 55.00.
- ☐ Charge Account 12-0425 for any fee deficiency.
- ☐ Charge Deposit Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this disclaimer is attached.

\_\_\_\_\_  
**Signature of disclaimant**

or

Date: January 15, 2004

Reg. No.: 31053

Customer No.:

  
\_\_\_\_\_  
**SIGNATURE OF ATTORNEY OF RECORD**

John Richards  
(type or print name of practitioner)

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